

The opinion in support of the decision being entered today
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LINDA S. MANSFIELD, MARY G. ROSSANO,
ALICE J. MURPHY, and RUTH A. VRABLE

Appeal 2007-3748
Application 09/513,086
Technology Center 1600

Decided: September 6, 2007

Before ERIC GRIMES, LORA M. GREEN, and RICHARD M.
LEBOVITZ, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

REMAND TO THE EXAMINER

A review of the application has revealed that the appeal is not ready for a decision on the merits. Accordingly, the application is being remanded to the Examiner for further action.

This application has been remanded to the Examiner once before. On May 17, 2007, the application was remanded for the Examiner to consider a

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Supplemental Reply Brief, dated February 27, 2007. In a paper mailed June 7, 2007, the Examiner denied entry of the Reply Brief on the grounds that it relied on new evidence, and thus was not in compliance with 37 C.F.R. § 41.41.

In response, in a paper dated July 23, 2007, Appellants requested the Examiner to reconsider the decision not to enter the Reply Brief. Our review of the file reveals that the Examiner has not acknowledged receipt of or responded to that communication.

Therefore, the application is being remanded to the Examiner to take the appropriate action in response to Appellants' Supplemental Reply in Response to Communication, dated July 23, 2007. We also remind Appellants that denial of the entry of the Reply Brief is not reviewable on Appeal, but is a petitionable action by the Examiner under 37 C.F.R. § 1.181.

REMANDED

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